

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF THE SUPREME COURT RULES 1990

TABLE OF PROVISIONS

Rule

1. Commencement
2. Substituted headings:
 - "ORDER 48 - SETTING DOWN FOR TRIAL AND
CASE FLOW MANAGEMENT"
 - "Part 1 - Setting Down for Trial"*
3. New Part to Order 48:
 - "Part 2 - Case Flow Management"*
 - "48.19 FIXING OF STATUS ASSESSMENT MEETING
 - "48.20 NOTICE OF MEETING
 - "48.21 PARTY TO ATTEND MEETING
 - "48.22 CONSEQUENCE OF FAILURE TO ATTEND
 - "48.23 CATEGORIZING PROCEEDINGS BY LIKELY
DURATION OF HEARING
 - "48.24 ADJOURNMENT OF MEETING
 - "48.25 ACTION OF MASTER AT MEETING
 - "48.26 FIXING TIME FOR CATEGORY C PROCEEDINGS
 - "48.27 TIME FOR HEARING OF CATEGORY A AND B
PROCEEDINGS
 - "48.28 PROCEDURE IN RELATION TO DIRECTIONS
HEARINGS
 - "48.29 REVIEW MEETINGS
 - "48.30 APPLICATION OF PART 1 OF THIS ORDER TO
MEETINGS
 - "48.31 SETTLEMENT CONFERENCE
 - "48.32 COSTS
 - "48.33 INTERPRETATION"

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1990, No. 20*

Rules of Court under the *Supreme Court Act*

WE, the undersigned Judges of the Supreme Court of the Northern Territory of Australia, in pursuance of section 86 of the *Supreme Court Act*, hereby make the following Rules of Court.

Dated 29 June 1990.

J. NADER ACJ

W. KEARNEY J

D. ANGEL J

B. MARTIN J

Judges of the Supreme
Court of the Northern
Territory of Australia

AMENDMENTS OF THE SUPREME COURT RULES

1. COMMENCEMENT

These Rules shall come into operation on 1 July 1990.

2. SUBSTITUTED HEADINGS

The Supreme Court Rules are amended by omitting the heading to Order 48 and substituting the following:

"ORDER 48 - SETTING DOWN FOR TRIAL AND
CASE FLOW MANAGEMENT

"Part 1 - Setting Down for Trial".

3. NEW PART TO ORDER 48

Order 48 of the Supreme court Rules is amended by adding at the end the following:

"Part 2 - Case Flow Management

* Notified in the *Northern Territory Government Gazette* on 15 August 1990.

Supreme Court Rules

"48.19 FIXING OF STATUS ASSESSMENT MEETING

"At a time no earlier than 2 months after an originating process has been filed, the Master shall fix a time, date and place for the holding of a Status Assessment Meeting.

"48.20 NOTICE OF MEETING

"(1) The Master shall give to each party not less than 14 days' notice of a meeting fixed in accordance with rule 48.19.

"(2) A notice under subrule (1) may be given -

(a) by sending it by prepaid post to the party's address for service; or

(b) where a party appears by a solicitor, in accordance with rule 6.06(1)(d).

"(3) The Master shall file a copy of the notice.

"(4) A copy notice filed in accordance with subrule (3) shall be endorsed with the date of the giving of the notice and shall be signed by the Master.

"(5) A copy notice duly filed, endorsed and signed in accordance with this rule is evidence of the giving of the notice as requested by this Part.

"48.21 PARTY TO ATTEND MEETING

"A party shall attend a meeting fixed in accordance with rule 48.20.

"48.22 CONSEQUENCE OF FAILURE TO ATTEND

"(1) If a party fails to attend a meeting fixed in accordance with rule 48.20 of which notice has been duly given, the Master may -

(a) exercise such powers as he has under these Rules including dismissing a proceeding for want of prosecution and striking out a defendant's defence including a counterclaim; or

(b) refer the matter to a Judge who may make such orders as he thinks fit.

"(2) In acting under subrule (1), the Master may also order costs against the party failing to attend or against his solicitor.

Supreme Court Rules

"48.23 CATEGORIZING PROCEEDINGS BY LIKELY DURATION OF HEARING

"(1) The purpose of a Status Assessment Meeting is to determine whether a proceeding is likely to result in a hearing time -

- (a) of 1 or 2 days - whereupon the Master shall designate it as a Category A proceeding;
- (b) of 3 to 10 days - whereupon the Master shall designate it as a Category B proceeding; or
- (c) in excess of 10 days - whereupon the Master shall designate it as a Category C proceeding.

"(2) The category of a proceeding may for good reason be altered from time to time.

"48.24 ADJOURNMENT OF MEETING

"A Status Assessment meeting may be adjourned from time to time.

"48.25 ACTION OF MASTER AT MEETING

"At a Status Assessment Meeting, the Master may -

- (a) make such orders or give such directions as he has power to make or give under these Rules; or
- (b) refer the making of an order or the giving of a direction to a Judge.

"48.26 FIXING TIME FOR CATEGORY C PROCEEDINGS

"(1) If, at a Status Assessment Meeting, a proceeding is designated as a Category C proceeding, the Master shall fix a date, time and place for the proceeding to be listed before a Judge.

"(2) A person attending a meeting at which a proceeding is referred to a Judge under subrule (1) shall be taken to have notice of the date, time and place fixed by the Master.

"(3) Where this rule applies and a person is not present at the meeting, the Master shall give notice to that person in accordance with rule 48.20 of the date, time and place fixed by him.

"(4) A Judge before whom a proceeding is listed in accordance with subrule (3) shall have charge of the proceeding and shall make all such orders and give all such directions as he from time to time thinks fit in order to have the proceeding effectively, completely, promptly and economically determined and he shall, unless

Supreme Court Rules

he otherwise orders, be the Judge before whom the matter is heard and determined.

"48.27 TIME FOR HEARING OF CATEGORY A AND B PROCEEDINGS

"The Master shall endeavour to ensure that all such action is taken, orders made or directions given as shall bring a proceeding effectively, promptly and economically -

- (a) in the case of a Category A proceeding - to a hearing within 6 months after the commencement of the proceeding; and
- (b) in the case of a Category B proceeding - to a hearing within 12 months after the commencement of the proceeding.

"48.28 PROCEDURE IN RELATION TO DIRECTIONS HEARINGS

"For the purpose of achieving the objectives under -

- (a) rule 48.26(4), a Judge may adjourn a directions hearing from time to time; and
- (b) rule 48.27, the Master may -
 - (i) make such orders or give such directions as he has power to make or give under these Rules;
 - (ii) refer the proceeding to a Judge to make such orders or directions as the Judge thinks fit; or
 - (iii) convene such further meetings as he thinks fit.

"48.29 REVIEW MEETINGS

"(1) Where the Master convenes a further meeting in accordance with rule 48.28(b)(iii), that meeting shall be termed a Review Meeting and notice thereof shall be given by the Master in accordance with rule 48.20.

"(2) Subject to rule 48.33, rules 48.20(3), (4) and (5), 48.21, 48.22 and 48.28(b) with the necessary changes, apply to a Review Meeting.

"48.30 APPLICATION OF PART 1 OF THIS ORDER TO MEETINGS

"The Master may direct that Part 1 of this Order shall apply to and in relation to a meeting convened by the Master under this Part as though a Certificate of Readiness had been filed.

Supreme Court Rules

"48.31 SETTLEMENT CONFERENCE

"(1) If at any time a Judge or the Master is of the opinion that a proceeding is capable of settlement or ought to be settled, the Judge or Master may direct that the matter be set down for the purpose of a conference for exploring the possibility of settlement.

"(2) A conference under this rule shall be held before the Master.

"(3) A notice of the proposed holding of such a conference fixing the time, date and place of the conference shall be given by the Master in accordance with rule 48.20 and that rule shall, with the necessary changes, apply to the conference.

"(4) The Master may direct that the parties personally attend a conference convened under this rule.

"(5) A direction under subrule (4) may be given -

(a) orally to a party or to that party's solicitor;

(b) in writing to a party by prepaid post addressed to that party at the address shown in the originating process; or

(c) in the manner prescribed in rule 48.20(2),

by the Master or an officer authorized by him.

"(6) Subject to rule 48.33, rules 48.20(3), (4) and (5), 48.21, 48.22 and 48.28(b), with the necessary changes, apply to a conference convened under this rule.

"(7) The attendance by a party in person at a conference convened under this rule does not prevent that party being represented at the conference by his solicitor or counsel or both.

"(8) Evidence of anything said or of any admission made to a person at a conference convened under this rule is not admissible in the proceeding or in any court, except by consent of the parties.

"48.32 COSTS

"The costs of and incidental to attending a meeting, conference or hearing convened in accordance with this Part shall be costs in the proceeding, unless the Judge or Master otherwise orders.

Supreme Court Rules

"48.33 INTERPRETATION

"(1) In this Part -

"'hearing time' means the time taken for the trial of the proceeding;

"'Master', except in rules 48.22(1)(a) and (2), 48.25(a) and 48.28(b)(i), includes the Deputy Master;

"'settlement' means -

(a) a final disposition by agreement between the parties to a proceeding of all the issues in that proceeding; or

(b) a resolution of such of those issues in a proceeding as shall reduce the hearing time of the proceeding.

"(2) Where a meeting or conference in accordance with this Part is conducted before a Deputy Master, the expression 'Judge' in rules 48.22(1)(b), 48.25(b) and 48.28(b)(ii) includes the Master where the Master has the power to make the relevant order or give the relevant direction.

"(3) The times referred to in this Part are not inflexible and, in fixing or assessing times, a Judge or the Master shall give consideration to prevailing circumstances."
